

REMARKS

The Examiner is thanked for taking the time to discuss over the telephone various procedures with Applicant's representative.

No new matter has been added by any of the amended language with regard to the amended claims above. Thus, the Examiner is respectfully requested to enter the amendments for the claims.

In the Official Action, the Examiner restricted the invention into Group I, claims 1 – 27 and 58 – 65, and Group II, claims 28 – 57 and 66 – 73. The Examiner constructively elected patent claims 1 – 27 and noted new claims 58 – 65 are drawn to the same inventive concept as the patented claims, and thus, the Examiner treated claims 1 – 27 and 58 – 65 on the merits. Also, the Examiner withdrew claims 28 – 57 and 66 – 73 from consideration.

Applicant concurs in the election.

As the Examiner restricted out and withdrew claims 28 – 57 and 66 – 73 from consideration, applicant has canceled these claims in the above Amendment. Applicant respectfully reserves the right to file one or more Divisional applications on any of these now canceled claims 28 – 57 and 66 – 73.

Also, applicant notes that in the Official Action, the Examiner allowed claims 1 – 27, 58 – 61 and 63 – 65.

The above amended language for claim 5 is intended to clarify antecedent basis for "periphery" and for claim 9 is intended to clarify the embodiment of a surgical method with a double-armed barbed suture. Support for amended claim 9 comes from Figs. 9, 10, and 11, and line 60 of column 6 through line 47 of column 7 of U.S. Patent No. 5,931,855. Applicant respectfully submits that claims 5 and 9 as amended are allowable.

Additionally in the Official Action, the Examiner objected to claim 62 for being in improper form. The above amended language for claim 62 is to correct a minor typographical error, and applicant respectfully submits that claim 62 should now be allowable.

With respect to new claims 74 – 145, applicant respectfully submits that they are drawn to the same inventive concept as Group I. New claims 74 – 105 are drawn to a surgical method; new claims 106 – 145 are drawn to a suture.

Furthermore, applicant respectfully notes that support for new claims 74 – 145 is as follows:

Support for new claims 74 - 84 comes from Fig. 10, and lines 20 - 24 of column 1, and lines 52 - 55 of column 2, and lines 1 - 37 of column 7 of U.S. Patent No. 5,931,855.

Support for new claims 85 - 94 comes from Fig. 12, and line 48 of column 7 through line 5 of column 8 of U.S. Patent No. 5,931,855.

Support for new claims 95 - 121 comes from Figs. 1, 1A, 13, and 14, and lines 20 - 24 of column 1, and lines 43 - 60 of column 4, and lines 6 - 40 of column 8 of U.S. Patent No. 5,931,855.

Support for new claims 122 - 145 comes from Figs. 1, 1A, 13, and 14, and lines 20 - 24 of column 1, and lines 58 - 66 of column 2, and lines 60 – 67 of column 6, and lines 6 - 40 of column 8 of U.S. Patent No. 5,931,855.

CONCLUSIONS

By the above Amendments and Remarks, Applicant respectfully submits that the present application is now in proper condition for allowance and respectfully solicits official notification of allowance from the Examiner.

If a minor issue remains outstanding after the Examiner has studied the above Amendments and Remarks, the Examiner is respectfully requested to telephone the undersigned attorney so that any such matter may be resolved and the application be placed in condition for allowance without the necessity for an Official Action.

DEPOSIT ACCOUNT

A check in the amount of \$958.00 is enclosed for the presentation of new claims 74 – 145.

Although it is believed that no further fee is due, the Commissioner is authorized to charge any deficiencies of payment associated with this Communication, or to credit any overpayment, to **Deposit Account No. 13-4365**.

Respectfully submitted,

Moore & Van Allen PLLC

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JLS/js

Encls.: \$958.00 check for presentation of new claims 74 – 145 (small entity fee
for 72 additional claims of which 7 are independent)

Consent of Assignee
Supplemental Declaration